

REMARKS

Upon entry of the above amendment, claims 1, 11-12, 28-32, 36-45, 47, and 48 will be pending in this application, claims 33-35 and 46 having been newly canceled without prejudice or disclaimer. Claims 2-10 and 13-27 were previously cancelled. Applicants have amended claim 47 to make it an independent claim. No new matter has been added.

Applicants wish to thank the Examiner for acknowledging on page 5 of the Office action that claims 1, 32, 36-45, 47, and 48 are allowable. Since withdrawn claims 11-12 and 28-31 are drawn to methods of using the compositions of allowable claims 38-41, 44, and 45, respectively, the withdrawn claims are eligible for rejoinder with the present restriction group pursuant to MPEP §821.04. Such rejoinder was requested in the Response filed with the Request for Continued Examination filed September 24, 2007, and is repeated here.

Claim Rejections – 35 U.S.C. § 102 (e)

At page 2 of the Office Action mailed October 30, 2007 (the “Office Action”), the Office rejected claims 33, 34, and 46 over U.S. Patent No. 6,747,137 (“Weinstock et al.”). In the interest of moving the claims towards allowance, Applicants have cancelled claims 33, 34, and 46 without prejudice, while retaining the right to pursue their subject matter in a continuing application.

Claim Rejections – 35 U.S.C. § 102 (a)

At page 2 of the Office Action, the Office rejected claim 35 as being anticipated by Genbank Accession Number AQ022781.1 According to the Office Action at page 4, “Genbank Accession Number AQ022781.1... comprises a nucleotide sequence encoding an amino acid sequence comprising a 31 amino acid fragment with 100% sequence identity to SEQ ID NO:2”.

In the interest of moving the claims towards allowance, Applicants have cancelled claim 35 without prejudice, while retaining the right to pursue the subject matter in a continuing application.

Applicant : Masatsugu Maeda et al.
Serial No. : 10/006,265
Filed : December 3, 2001
Page : 6 of 6

Attorney's Docket No.: 14875-096001 / C2-
105DP1PCT-US

Applicants submit that the claim amendments place all of the presently pending claims, including the withdrawn and presumably rejoined claims, in allowable condition.

No fees are believed to be due at this time. Please apply any charges or credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: January 30, 2008 _____

/Janis K. Fraser/ _____
Janis K. Fraser, Ph.D., J.D.
Reg. No. 34,819

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

reply to office action due 1-30-08 (4).doc